

REMARKS

The Official Action of January 17, 2008, has been carefully reviewed. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

The claims under consideration are Claims 11-20.

1. Restriction Requirement

Under 35 U.S.C. 121, the Examiner required restriction among:

- I. Claims 11-18, drawn to a compound of the formula (1), wherein -U-V- is -CH=CH- or -CH₂-CH₂-, and a pharmaceutical composition thereof;
- II. Claims 11-18, drawn to a compound of the formula (I), wherein -U-V- is -N=CH- or -CH=N-, and a pharmaceutical composition thereof;
- III-IV. Claim 19, drawn to a method for treatment of anxiety, convulsions or a cognitive disorder with a compound of Claim 11 according to one of the above groups; and
- V-VI. Claim 20, drawn to a method for the prevention of anxiety, convulsions or a cognitive disorder with a compound of Claim 11 according to one of the above groups.

In response to this requirement, the Applicants hereby elect Group I: Claims 11-18 drawn to a compound of the formula (1), wherein -U-V- is -CH=CH- or -CH₂-CH₂-, and a pharmaceutical composition thereof, without traverse.

The claims reading on this group are Claims 11-18.

Under 35 U.S.C. 121, the Examiner further requested election of a single species for purposes of the search.

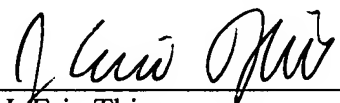
In response to this requirement, Applicants hereby elect the second compound of Claim 17 without traverse:

5'-(7-ethyl-8-oxo-7,8-dihydroimidazo[1,2-a]pyrazin-3-yl)-2'-
fluorobiphenyl-2-carbonitrile.

The elected claims reading on this compound are Claims 11-18,

This election is being taken without prejudice to the filing of a divisional application directed to the non-elected subject matter. In accordance with the third sentence of 35 U.S.C. § 121, a patent issuing from the instant application should not be a reference against a divisional application filed before the issuance of such patent.

Respectfully submitted,

By 
J. Eric Thies
Reg. No. 35,382
Attorney for Applicant

MERCK & CO., Inc.
P.O. Box 2000
Rahway, New Jersey 07065-0907
(732) 594-3904

Date: February 14, 2008